

**Notice of Allowability**

Application No.

09/507,968

Examiner

Bridget E. Bunner

Applicant(s)

YU ET AL.

Art Unit

1647

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 16 July 2003.

2. ☒ The allowed claim(s) is/are 26-28, 31-41, 44-45, 48-61, 70-81, 83-86, 89, 93, 95-107, 116-125, 128, 132, 134-143, 146, 150, 152-161, 164, 168, 170-179, 182, 186, 188-196, 205-213, 215, 225-231, 247-251, 260-273, 276, 280 and 282-290, 293, 297, 299-307, 310, 314, 316-324, 333-341, 343, 352-359, 362, 366, 370, 374, 378, 382, 386, 390, 406, 410, 414, 424-430.

3. ☒ The drawings filed on 14 August 2001 are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some\* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachments:**

1. ☐ Notice of References Cited (PTO-892)

2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_

4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other \_\_\_\_\_

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### DETAILED ACTION

It is noted that the instant action is a supplemental notice of allowability and Examiner's amendment that supercedes the previous notice of allowability and Examiner's amendment mailed on 05 September 2003.

#### *Examiner's Amendment*

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.12. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Michelle Shannon on 27 August 2003.

The application has been amended as follows:

In claim 215, at line 1: Delete "214" and insert therefore --213--.

#### *Informal Examiner's Amendment*

2. Applicant is advised that the title of the invention has been amended to more accurately reflect the invention recited in the claims. The new title is "NEUTROKINE-ALPHA POLYPEPTIDES".
3. At pg 21 of the specification, paragraph [0060], the Examiner has amended the specification to indicate that the neutrokin-alpha nucleotide sequence shown in Figures 4A-4C, is from cDNA clone HDNEDU15, SEQ ID NO: 1. (Support can be found at paragraphs [0078] and [0085] in the specification, for example.)

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4. At pg 22 of the specification, paragraph [0066], the Examiner has amended the specification to indicate that the neutrokin-alpha amino acid sequence shown in Figures 7A-1 to 7A-2 is SEQ ID NO: 2. (Support can be found throughout the specification.)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bridget E. Bunner whose telephone number is (571) 272-0881. The examiner can normally be reached on 8:30-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached on (571) 272-0961. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEB  
Art Unit 1647  
17 September 2004

*Elizabeth C. Kemmerer*

ELIZABETH KE  
PRIMARY EXAMINER

ELIZABETH KEMMERER  
PRIMARY EXAMINER